

# B. Eligibility Proposal

## 1 Principle B.1 - Eligibility for Officers

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3 The committee proposes that the officers of the Academic Senate must be members of the  
4 University Faculty, i.e. Regular Faculty and must have previously have served at least one year,  
5 or be currently serving on the Academic Senate, when they stand for election.  
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## 7 Background B.1 - Eligibility for Officers

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9 The University Constitution defines Regular Members of the Department in Article II, Section 2  
10 of the Constitution as a person who: “holds a full-time, annual, academic appointment within the  
11 University; and is officially assigned to a teaching service area administered by the department;  
12 and holds academic rank of Instructor or higher” (Article II, Section 2(A) et seq.). Lecturer  
13 Faculty are not eligible for appointment as Regular Faculty in a Department (Id.). The  
14 Constitution goes on to define College Faculties. Lecturer Faculty are also not eligible for  
15 appointment as Regular Faculty in a College (Article III, Section 2). The University Faculty is  
16 defined in Article IV and includes some administrators (e.g. the President, Academic Associate  
17 Vice Presidents), the Regular Faculty of the colleges and library, individuals holding tenure and  
18 some FERP/PRTB faculty.  
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20 Staff, students and emeriti faculty, along with Lecturer Faculty are not members of the  
21 University Faculty under the University Constitution<sup>1</sup>.  
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23 The University Faculty has the responsibility and authority to confer with the President and to  
24 make recommendations to the President (Article IV, Section 1). The University Faculty have  
25 additional responsibilities outlined in Article IV, Sections 4 - 6.  
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27 The University Faculty establishes the Academic Senate to act on its behalf (Article IV, Section  
28 7). The Academic Senate acts on behalf of the University Faculty on all matters except those that  
29 the University Faculty holds to itself. The University Faculty hears appeals from the Senate.  
30 The Chair, Vice-Chair, and Secretary (Officers) of the Academic Senate serve as the Officers of  
31 the University Faculty (Article VI, Section 2).  
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33 In the *Final Report of the Constitution and Bylaws Task Force* from September 25, 2012, the  
34 issue of eligibility to serve as an officer for the faculty was not discussed.  
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36 While the eligibility requirements to serve as an Officer are not explicit, they are nonetheless  
37 unambiguous. A person must be a member of the University Faculty to serve as an Officer of the  
38 University Faculty and of the Academic Senate.

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<sup>1</sup> The definition of University Faculty has no relation to the definition Faculty Unit Employees in §2.13 of the CBA.

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40 If one assumes to the contrary that the Officers are not required to be members of the University  
41 Faculty, then Staff, Student and Lecturer Faculty representatives would be eligible to serve as  
42 Officers. None of these constituencies have the authority to confer with and make  
43 recommendations to the President nor speak on behalf of the University Faculty which alone has  
44 the authority to do this. (see Article IV).

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46 While Lecturer Faculty, staff and students are elected to the Senate, that election does not make  
47 them members of the University Faculty. The creation of student, staff, emeriti, and Lecturer  
48 Faculty electorates is a function of the creation of the Senate, not the definition of the  
49 membership of the University Faculty.

50 The Academic Senate is not co-equal to the University Faculty but rather acts on its behalf with  
51 a limited scope of authority as compared to the University Faculty itself. If it were argued that a  
52 person who is not a member of the University Faculty were eligible to serve as an Officer of the  
53 Senate and thus an Officer of the University Faculty, then the Constitution for the University  
54 Faculty would be subverted by the Senate election of a person who is not a member of the  
55 University Faculty. This result has several implications including, but not limited to: 1. If the  
56 President confers with the elected officer as a representative of the University Faculty and that  
57 person is not a member of the University Faculty, that person would be a *de facto* member of the  
58 University Faculty, effectively giving the Academic Senate, through the election of officers, a  
59 *power to define membership in the University Faculty*. The Academic Senate does not have this  
60 authority and such an election would exceed its authority. 2. If the President refused to confer  
61 with the elected officer as representative of the University Faculty, the shared governance  
62 structure of the University would be undermined.